



CrIMP(MD)No.20097 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

CrIMP(MD)No.20097 of 2025
in
CrIA(MD)No.1355 of 2025

Deena Dayalan

...Petitioner

Vs

The State of rep by
The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam,
Thanjavur District.
[Crime No.858 of 2022]

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed on the petitioner by the Additional District and Sessions Judge, Fast Track Court, Kumbakonam, Thanjavur District in SC.No.94 of 2023, dated 26.09.2025 pending disposal of the said revision.

For Petitioner : Mr.B.Jameelarasu

For Respondent : Mr.S.Prakash,

Government Advocate



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ORDER

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The petitioner, sole accused in S.C.No.94 of 2023 on the file of the learned Additional District and Sessions Judge, Fast Track Court, Kumbakonam was tried, found guilty by the trial Court for the offence under Section 105 BNS, convicted and sentenced to undergo five years of rigorous imprisonment along with fine of Rs.5000/-, in default, to undergo one year rigorous imprisonment. As against the conviction and sentence imposed by the trial Court in S.C.No.94 of 2023, dated 26.09.2025, the petitioner has filed a Criminal Appeal in CrI.A(MD)No.1355 of 2025 and the same was admitted by this Court on 09.05.2025. Along with the appeal, the petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The case of the prosecution is that the petitioner one Vinothkumar / deceased is said to have demanded money from the petitioner and therefore, there was scuffle between them in a bus stand and consequently the petitioner is said to have assaulted the deceased and caused death. Hence, the case.



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3.The learned counsel appearing for the petitioner by referring to the postmortem report submits that the deceased had consumed alcohol and there was no injury. However, the prosecution has projected that the petitioner had assaulted the deceased and caused death. According to the prosecution the occurrence place is a public place. However, the prosecution has not established the case through eye witness. He further submits that the petitioner is in jail from 26.09.2025.

4.The learned Government Advocate submits that the deceased in an inebriated condition had demanded money from the petitioner and the petitioner had assaulted him on the neck and the deceased fell down and died on the spot. The entire occurrence was captured in the CCTV and also marked before the trial court as MO1. According to the learned Government Advocate, the petitioner has assaulted the victim and on account of that he had fallen down and died.

5.This court has considered the rival submissions made.



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6.The occurrence is said to have taken place in the bus stand, a public place, however, there is no eye witness. The Doctor has noted the deceased had consumed alcohol and he has not noted any injury on the neck of the deceased. The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the period of incarceration and for the reason that the appeal could not be taken up immediately and this Court is inclined to allow this petition.

7.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i)The petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum, to the satisfaction of the Judicial Magistrate No.1, Kumbakonam, Thanjavur District.

(ii)The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty and will



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not indulge in any further offence and he will also be available for the appeal proceedings.

(iii) The petitioner shall report before the trial court on the first working day of every month.

(iv) If the petitioner changes residence, the address shall be informed to the respondent police immediately.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

09.04.2026

DSK

To

1. The Inspector of Police,
Kumbakonam West Police Station,
Kumbakonam,
Thanjavur District.
2. The Additional District and Sessions Judge,
Fast Track Court,
Kumbakonam, Thanjavur.
3. The Judicial Magistrate No.1,
Kumbakonam, Thanjavur District.
4. The Superintendent, Central Prison, Trichy.



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Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI.J.,

DSK

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